

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 1-5, 12-16 and 32-36 are currently pending in this application.

**Claim Rejections - 35 USC §103**

Claims 1, 12 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0097686 to Qui (hereinafter “Qui”) in view of U.S. Publication No. 2004/0203475 to Gaal (hereinafter “Gaal”).

Claims 1, 12 and 32 are further rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0899906 to Balachandran (hereinafter “Balachandran”) in view of U.S. Patent No. 7,336,629 to Raitola (hereinafter “Raitola”).

Claims 2-3 13-14 and 33-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Qui and Gaal in view of U.S. Publication No. 2004/0142698 to Bergel (hereinafter “Bergel”).

Claims 4, 15 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qui, Gaal and Bergel and further in view of U.S. Publication No. 2003/0129992 to Koorapaty (hereinafter "Koorapaty").

Claims 5, 16 and 36 are rejected under 35 USC 103(a) as being unpatentable over Qui in view of U.S. Patent No. 5,305,468 to Bruckert et al. (hereinafter "Bruckert").

The Examiner has again misunderstood Applicant's claimed method and apparatus. The Examiner states that

it would have been obvious for one of ordinary skill in the art at the time of the invention to modify QUI's teaching of deriving a predictive CQI at a faster frequency on per a time slot as suggested by Gaal's teaching of obtaining the channel quality on a time slot basis. This modification of a faster frequency of deriving the channel quality indication on a time slot basis would yield an increase in response time to signal fading and thus faster adjustment can be made to improve signal quality.

Detailed Action, page 3. As is clear from the quoted statement, the Examiner is citing Gaal as disclosing generating a quality value every time slot for the channel. Again, as Applicant indicated in the previous Response to Office Action, Applicant is not claiming only the determination of a current quality on a time slot basis. Applicant's disclosed method for predicting a future quality of a communication channel derives a predictive CQI on a per time slot basis. There is nothing in Gaal that would suggest generating such a value on a time slot basis, nor is there anything that suggests determining a predictive CQI at all.

Qui discloses a system wherein long range prediction is used for a receiver and transmitter for determining CSI parameters on future fading channel conditions. The transmitter then uses these predictive values to adapt transmission parameters in view of the predicted channel conditions. These future channel fading conditions can only be determined in Qui up to 15 slots/subframe in advance.

See Qui, paragraph [0022]. Therefore, Qui teaches away from the determination of the predicted channel conditions on a per time slot basis.

Moreover, as disclosed in Qui, the predicted values are used for determining future transmission parameters from the transmitter. There is no disclosure in Qui regarding transmitting the predicted CQI including a recommended transport block size, modulation format, or number of codes.

The Examiner's assertion that Gaal's derivation of a C/I value on a per time slot basis would be obvious to combine with Qui's system which teaches away from the prediction of future channel conditions on a time slot basis is incorrect and improper. It would not be obvious to one having skill in the art to combine these two systems. Clearly the Examiner is improperly using Applicant's claimed method and apparatus to find obviousness.

Balachandran and Raitola, similar to Gaal, fail to disclose those missing elements of Qui. As Applicant argued regarding Gaal, combining Balachandran and Raitola would not have been obvious to those having skill in the art for the reasons provided above regarding Gaal. Therefore, neither Qui, Gaal, Balachandran nor Raitola, suggest or teach Applicant's method as claimed in claims 1, 12, and 32.

**Applicant:** Philip J. Pietraski  
**Application No.:** 10/698,721

Claims 2 – 5, 12 – 16 and 33 – 36 are dependent upon claims 1, 12 and 32, and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 103 rejection is respectfully requested.

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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